

**U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:17-cv-03571-JSW**

American Civil Liberties Union et al v. Department of Justice
Assigned to: Hon. Jeffrey S. White
Cause: 05:552 Freedom of Information Act

Date Filed: 06/21/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**American Civil Liberties Union of
Northern California**

represented by **Anna Natalia Diakun**
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Foundation
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ATTORNEY TO BE NOTICED

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TERMINATED: 11/15/2018

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Plaintiff

American Civil Liberties Union

represented by **Anna Natalia Diakun**
(See above for address)
ATTORNEY TO BE NOTICED

Linda Lye
(See above for address)
TERMINATED: 11/15/2018

Matthew Thomas Cagle
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ATTORNEY TO BE NOTICED

Patrick Toomey
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

**American Civil Liberties Union
Foundation**

represented by **Anna Natalia Diakun**
(See above for address)
ATTORNEY TO BE NOTICED

Linda Lye
(See above for address)
TERMINATED: 11/15/2018

Matthew Thomas Cagle
(See above for address)
ATTORNEY TO BE NOTICED

Patrick Toomey
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Department of Justice

represented by **Courtney Enlow**
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TERMINATED: 07/17/2018

| Date Filed | # | Docket Text |
|------------|----------|--|
| 06/21/2017 | <u>1</u> | COMPLAINT <i>COMPLAINT FOR INJUNCTIVE RELIEF</i> against Department of Justice (Filing fee \$ 400, receipt number 0971-11488531.). Filed by American Civil Liberties Union of Northern California, American Civil Liberties Foundation of Northern California, American Civil Liberties Union. (Attachments: # <u>1</u> Civil Cover Sheet)(Lye, Linda) (Filed on 6/21/2017) (Entered: 06/21/2017) |
| 06/21/2017 | <u>2</u> | Proposed Summons. (Lye, Linda) (Filed on 6/21/2017) (Entered: 06/21/2017) |
| 06/21/2017 | <u>3</u> | Certificate of Interested Entities by American Civil Liberties Foundation of Northern California, American Civil Liberties Union, American Civil Liberties Union of Northern California <i>CERTIFICATION OF INTERESTED ENTITIES OR PERSONS</i> (Lye, Linda) (Filed on 6/21/2017) (Entered: 06/21/2017) |

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| 06/21/2017 | <u>4</u> | NOTICE of Appearance of Matthew T. Cagle (Lye, Linda) (Filed on 6/21/2017) Modified on 6/22/2017 (jmlS, COURT STAFF). (Entered: 06/21/2017) |
| 06/21/2017 | <u>5</u> | MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-11489210.) filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union, American Civil Liberties Union of Northern California. (Diakun, Anna) (Filed on 6/21/2017) (Entered: 06/21/2017) |
| 06/21/2017 | <u>6</u> | MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-11489337.) filed by American Civil Liberties Foundation of Northern California, American Civil Liberties Union, American Civil Liberties Union of Northern California. (Toomey, Patrick) (Filed on 6/21/2017) (Entered: 06/21/2017) |
| 06/21/2017 | 7 | Case assigned to Magistrate Judge Kandis A. Westmore. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 7/5/2017. (jmlS, COURT STAFF) (Filed on 6/21/2017) (Entered: 06/21/2017) |
| 06/22/2017 | <u>8</u> | Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 9/12/2017. Initial Case Management Conference set for 9/19/2017 01:30 PM in Courtroom 4, 3rd Floor, Oakland. (jmlS, COURT STAFF) (Filed on 6/22/2017) (Entered: 06/22/2017) |
| 06/22/2017 | <u>9</u> | Summons Issued as to Department of Justice, U.S. Attorney and U.S. Attorney General (jmlS, COURT STAFF) (Filed on 6/22/2017) (Entered: 06/22/2017) |
| 06/23/2017 | <u>10</u> | ORDER by Judge Kandis A. Westmore granting <u>5</u> Motion for Pro Hac Vice re Anna Diakun. (kawlc1, COURT STAFF) (Filed on 6/23/2017) (Entered: 06/23/2017) |
| 06/23/2017 | <u>11</u> | ORDER by Judge Kandis A. Westmore granting <u>6</u> Motion for Pro Hac Vice re Patrick Toomey. (kawlc1, COURT STAFF) (Filed on 6/23/2017) (Entered: 06/23/2017) |
| 06/23/2017 | <u>12</u> | NOTICE of Appearance by Anna Natalia Diakun (<i>Pro Hac Vice</i>) (Diakun, Anna) (Filed on 6/23/2017) (Entered: 06/23/2017) |
| 06/23/2017 | <u>13</u> | NOTICE of Appearance by Patrick Toomey (<i>Pro Hac Vice</i>) (Toomey, Patrick) (Filed on 6/23/2017) (Entered: 06/23/2017) |
| 06/27/2017 | <u>14</u> | SUMMONS Returned Executed by American Civil Liberties Union of Northern California, American Civil Liberties Union Foundation, American Civil Liberties Union. Department of Justice served on 6/22/2017, answer due 7/13/2017. (Lye, Linda) (Filed on 6/27/2017) (Entered: 06/27/2017) |
| 06/28/2017 | <u>15</u> | CERTIFICATE OF SERVICE by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California <i>Proof of Service of Documents</i> (Lye, Linda) (Filed on 6/28/2017) (Entered: 06/28/2017) |
| 07/05/2017 | <u>16</u> | CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California.. (Lye, Linda) (Filed on 7/5/2017) (Entered: 07/05/2017) |
| 07/14/2017 | <u>17</u> | NOTICE of Appearance by Timothy Andrew Johnson (Johnson, Timothy) (Filed on 7/14/2017) (Entered: 07/14/2017) |

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| 07/14/2017 | <u>18</u> | ANSWER to Complaint by Department of Justice. (Johnson, Timothy) (Filed on 7/14/2017) (Entered: 07/14/2017) |
| 07/14/2017 | <u>19</u> | CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Department of Justice.. (Johnson, Timothy) (Filed on 7/14/2017) (Entered: 07/14/2017) |
| 07/17/2017 | 20 | CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned. ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED. <i>This is a text only docket entry; there is no document associated with this notice.</i> (sisS, COURT STAFF) (Filed on 7/17/2017) (Entered: 07/17/2017) |
| 07/17/2017 | <u>21</u> | ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Jeffrey S. White for all further proceedings. Magistrate Judge Kandis A. Westmore no longer assigned to the case. This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and http://cand.uscourts.gov/cameras . Signed by Executive Committee on 7/17/2017. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(jmlS, COURT STAFF) (Filed on 7/17/2017) (Entered: 07/17/2017) |
| 07/18/2017 | <u>22</u> | ORDER SETTING CASE MANAGEMENT CONFERENCE AND REQUIRING JOINT CASE MANAGEMENT CONFERENCE STATEMENT. Signed by Judge Jeffrey S. White on 7/18/17. Joint Case Management Statement due by 9/22/2017. Initial Case Management Conference set for 9/29/2017 11:00 AM in Courtroom 5, 2nd Floor, Oakland. (jjoS, COURT STAFF) (Filed on 7/18/2017) (Entered: 07/18/2017) |
| 08/09/2017 | <u>23</u> | JOINT CASE MANAGEMENT STATEMENT filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California, Department of Justice. (Lye, Linda) (Filed on 8/9/2017) Modified on 8/10/2017 (cjlS, COURT STAFF). (Entered: 08/09/2017) |
| 08/10/2017 | <u>24</u> | CASE MANAGEMENT ORDER. Signed by Judge Jeffrey S. White on 8/10/17. Opening Motions due by 9/1/2017. Cross Motion and Responses due by 9/29/2017. Cross Opposition and Replies due by 10/20/2017. Reply due by 11/3/2017. Motion Hearing set for 11/17/2017 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Hon. Jeffrey S. White.(jjoS, COURT STAFF) (Filed on 8/10/2017) (Entered: 08/10/2017) |
| 09/01/2017 | <u>25</u> | MOTION for Summary Judgment filed by Department of Justice. Motion Hearing set for 11/17/2017 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Hon. Jeffrey S. White. Responses due by 9/29/2017. Replies due by 10/20/2017. (Attachments: # <u>1</u> Exhibit 1, Declaration of Susan L. Kim, # <u>2</u> Proposed Order)(Johnson, Timothy) (Filed on 9/1/2017) (Entered: 09/01/2017) |
| 09/29/2017 | <u>26</u> | Cross MOTION for Summary Judgment <i>and Opposition</i> filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. Motion Hearing set for 11/17/2017 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Judge Jeffrey S. White. Responses due by 10/20/2017. Replies due by 11/3/2017. (Lye, Linda) (Filed on 9/29/2017) (Entered: 09/29/2017) |
| 09/29/2017 | <u>27</u> | Declaration of Anna Diakun in Support of <u>26</u> Cross MOTION for Summary Judgment <i>and Opposition to Defendants' MSJ</i> filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. (Attachments: # <u>1</u> Exhibit Exhibits 1-29)(Related document(s) <u>26</u>) (Lye, Linda) (Filed on 9/29/2017) (Entered: 09/29/2017) |

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| 09/29/2017 | <u>28</u> | Proposed Order Re: <u>26</u> Cross MOTION for Summary Judgment and Opposition by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. (Lye, Linda) (Filed on 9/29/2017) Modified on 10/2/2017 (cjlS, COURT STAFF). (Entered: 09/29/2017) |
| 10/20/2017 | <u>29</u> | Opposition to <u>25</u> MOTION for Summary Judgment and REPLY to <u>26</u> Cross MOTION for Summary Judgment filed by Department of Justice. (Johnson, Timothy) (Filed on 10/20/2017) Modified on 10/23/2017 (cjlS, COURT STAFF). (Entered: 10/20/2017) |
| 10/27/2017 | <u>30</u> | Unopposed ADMINISTRATIVE MOTION extension of page limitation and [Proposed] Order filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. Responses due by 10/31/2017. (Lye, Linda) (Filed on 10/27/2017) Modified on 10/30/2017 (cjlS, COURT STAFF). (Entered: 10/27/2017) |
| 10/30/2017 | <u>31</u> | ORDER by Judge Jeffrey S. White granting AS MODIFIED <u>30</u> Unopposed Administrative Motion for extension of page limitation. (jjoS, COURT STAFF) (Filed on 10/30/2017) (Entered: 10/30/2017) |
| 11/03/2017 | <u>32</u> | REPLY (re <u>26</u> Cross MOTION for Summary Judgment and <i>Opposition</i> , <u>25</u> MOTION for Summary Judgment) filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. (Lye, Linda) (Filed on 11/3/2017) (Entered: 11/03/2017) |
| 11/03/2017 | <u>33</u> | Declaration of Matthew Cagle in Support of <u>32</u> Reply to Opposition/Response, <i>Declaration of Matthew Cagle in Support of Plaintiffs' Reply</i> filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. (Related document(s) <u>32</u>) (Lye, Linda) (Filed on 11/3/2017) (Entered: 11/03/2017) |
| 11/08/2017 | <u>34</u> | CLERK'S NOTICE CONTINUING HEARING ON CROSS MOTIONS FOR SUMMARY JUDGMENT Motion Hearing set for 1/5/2018 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Judge Jeffrey S. White. (jjoS, COURT STAFF) (Filed on 11/8/2017) (Entered: 11/08/2017) |
| 01/03/2018 | <u>35</u> | CLERK'S NOTICE VACATING HEARING ON CROSS-MOTIONS FOR SUMMARY JUDGMENT (jjoS, COURT STAFF) (Filed on 1/3/2018) (Entered: 01/03/2018) |
| 01/22/2018 | <u>36</u> | NOTICE by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California <i>of Supplemental Authority</i> (Lye, Linda) (Filed on 1/22/2018) (Entered: 01/22/2018) |
| 01/22/2018 | <u>37</u> | Joint ADMINISTRATIVE MOTION leave to file supplemental briefs filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. Responses due by 1/26/2018. (Lye, Linda) (Filed on 1/22/2018) Modified on 1/23/2018 (cpS, COURT STAFF). (Entered: 01/22/2018) |
| 01/23/2018 | <u>38</u> | ORDER GRANTING <u>37</u> Joint Administrative Motion for Leave to File Supplemental Briefs. Supplemental Briefs due by 2/9/2018. Signed by Judge Jeffrey S. White on January 23, 2018. (jswlc3S, COURT STAFF) (Filed on 1/23/2018) (Entered: 01/23/2018) |
| 02/09/2018 | <u>39</u> | Defendant's Brief Regarding the Ninth Circuit's Decision in ACLU of Northern California v. Department of Justice filed by Department of Justice. (Johnson, Timothy) (Filed on 2/9/2018) Modified on 2/12/2018 (cjlS, COURT STAFF). (Entered: 02/09/2018) |
| 02/09/2018 | <u>40</u> | Plaintiff's Supplemental Brief Regarding Recent Authority filed by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California. (Attachments: # <u>1</u> Declaration Second Declaration of Matthew Cagle)(Lye, Linda) (Filed on 2/9/2018) Modified on 2/12/2018 (cjlS, COURT STAFF). (Entered: 02/09/2018) |
| 07/17/2018 | <u>41</u> | NOTICE of Substitution of Counsel by Courtney Enlow (Enlow, Courtney) (Filed on 7/17/2018) (Entered: 07/17/2018) |

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| 10/10/2018 | <u>42</u> | NOTICE of Change of Address by Courtney Enlow (Enlow, Courtney) (Filed on 10/10/2018) (Entered: 10/10/2018) |
| 11/14/2018 | <u>43</u> | NOTICE of Withdrawal of Counsel Linda Lye and [Proposed] Order Permitting Withdrawal by American Civil Liberties Union, American Civil Liberties Union Foundation, American Civil Liberties Union of Northern California (Cagle, Matthew) (Filed on 11/14/2018) Modified on 11/15/2018 (jmlS, COURT STAFF). (Entered: 11/14/2018) |
| 11/14/2018 | <u>44</u> | ORDER GRANTING <u>43</u> Notice of Withdrawal of Counsel. Signed by Judge Jeffrey S. White on November 14, 2018. (jswlc3S, COURT STAFF) (Filed on 11/14/2018) (Entered: 11/14/2018) |
| 03/20/2019 | <u>45</u> | ORDER REQUIRING PRODUCTION OF DOCUMENTS FOR IN CAMERA REVIEW. Signed by Judge Jeffrey S. White on 3/20/19. (jjoS, COURT STAFF) (Filed on 3/20/2019) (Entered: 03/20/2019) |
| 03/27/2019 | <u>47</u> | NOTICE OF LODGING PAPER COPIES OF SEALED DOCUMENTS FOR EX PARTE, IN CAMERA REVIEW re <u>45</u> Order by Department of Justice. (Enlow, Courtney) (Filed on 3/27/2019) Modified on 3/27/2019 (cjlS, COURT STAFF). (Entered: 03/27/2019) |